



Department of
Environmental
Conservation

Brownfield Cleanup Program

Citizen Participation Plan

for

88 9th Street

December 2023

C224355
88 9th Street
Brooklyn, NY 11215

Contents

<u>Section</u>	<u>Page Number</u>
1. What is New York’s Brownfield Cleanup Program?	3
2. Citizen Participation Activities.....	3
3. Major Issues of Public Concern.....	9
4. Site Information.....	10
5. Investigation and Cleanup Process	15
Appendix A - Project Contacts and Locations of Reports and Information.....	18
Appendix B - Site Contact List.....	20
Appendix C - Site Location Map.....	28
Appendix D - Brownfield Cleanup Program Process	30

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Note: The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site’s cleanup process.

Applicant: **88 9th St Brooklyn LLC (“Applicant”)**
Site Name: **88 9th Street**
Site Address: **88 9th Street, Brooklyn, NY 11215**
Site County: **Kings**
Site Number: **C224355**

1. What is New York’s Brownfield Cleanup Program?

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at: <http://www.dec.ny.gov/chemical/8450.html>.

2. Citizen Participation Activities

Why NYSDEC Involves the Public and Why It Is Important

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision-makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment;
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process;
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process;
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community; and
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision-making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

Project Contacts

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

Locations of Reports and Information

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC website. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

Site Contact List

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- Chief executive officer and planning board chairperson of each county, city, town and village in which the site is located;
- Residents, owners, and occupants of the site and properties adjacent to the site;
- The public water supplier which services the area in which the site is located;
- Any person who has requested to be placed on the site contact list;
- The administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility; and
- Location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

Note: The first site fact sheet is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html>.

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

CP Activities

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

Technical Assistance Grant

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment

of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, the significant threat determination for the site had not yet been made.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

For more information about TAGs, go online at <http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
Application Process:	
<ul style="list-style-type: none"> • Prepare site contact list • Establish document repositories 	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> • Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period • Publish above ENB content in local newspaper • Mail above ENB content to site contact list • Conduct 30-day public comment period 	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
After Execution of Brownfield Site Cleanup Agreement (BCA):	
<ul style="list-style-type: none"> • Prepare CP Plan 	Before start of Remedial Investigation Note: Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the Brownfield Cleanup Agreement (BCA).
Before NYSDEC Approves Remedial Investigation (RI) Work Plan:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan • Conduct 30-day public comment period 	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
After Applicant Completes Remedial Investigation:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes RI results 	Before NYSDEC approves RI Report.
Before NYSDEC Approves Remedial Action Work Plan (RAWP):	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list about draft RAWP and announcing 45-day public comment period • Public meeting by NYSDEC about proposed RAWP (if requested by affected community or at discretion of NYSDEC project manager) • Conduct 45-day public comment period 	Before NYSDEC approves RAWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
Before Applicant Starts Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that describes upcoming cleanup action 	Before the start of cleanup action.
After Applicant Completes Cleanup Action:	
<ul style="list-style-type: none"> • Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report • Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC) 	At the time the cleanup action has been completed. Note: The two fact sheets are combined when possible if there is not a delay in issuing the COC.

3. Major Issues of Public Concern

This section of the CP Plan identifies major issues of public concern that relate to the site. Additional major issues of public concern may be identified during the course of the site's investigation and cleanup process.

The following issues of public concern were identified: air quality, health of workers and community, and nuisance odors. While not major issues, these items will be addressed in the RAWP, a Community Air Monitoring Program (CAMP) and site-specific Health and Safety Plans (HASPs) for the project to be approved by the NYSDEC prior to work.

Based on previous investigations, historic uses of the property have included manufacturing operations such as AH Smith Carpet Lining Manufacturing, Phillips and Ferguson Paints, Whiting, Putty and Chalk Mill and David Kramer Cabinet Works from about 1886 to 1923. From the 1930s to present the site has been utilized as parking and storage.

Contaminants of concern include petroleum-related volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), pesticides, polychlorinated biphenyls (PCB), metals and per- and polyfluoroalkyl substances (PFAS). Contaminants are discussed in further detail in Section 4 below. The identified contaminants will be remediated to the extent required to support the redevelopment of the site for commercial use in accordance with a NYSDEC-approved work plan.

Site information is available through the Project Contacts mentioned in Section 2 and Appendix A. The BCP Application for the site is available in the document repositories identified in Appendix A. The RAWP will include schedules for the planned work.

As shown on the NYSDEC Potential Environmental Justice Areas map, the site is not located in a potential environmental justice area. Environmental justice is defined as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

Environmental justice efforts focus on improving the environment in communities, specifically minority and low-income communities, and addressing disproportionate adverse environmental impacts that may exist in those communities.

Therefore, there is no need to translate future fact sheets into another language.

The site may have future concerns with regards to truck-traffic, noise or odors.

4. Site Information

Site Description

The about 45,600-square-foot (about 1.05± acre) site is located at 88 9th Street in Brooklyn, New York, and is identified as Tax Block 1007, Lot 20 on the New York City (NYC) Borough of Brooklyn Tax Map. The site is bound by 9th Street to the north, a four-story building to the east, 10th Street to the south, and a parking lot and an unimproved lot used for storage to the west. A site location map is provided in Appendix C.

A New York City Transit (NYCT) viaduct that carries the Metropolitan Transportation Authority (MTA) F and G subway lines passes over the central portion of the site. Numerous pile supported bents within the site provide support for the viaduct. Vertical easements are present below the viaduct and horizontal easements of various sizes are present at grade surrounding each bent. Excavation, stockpiling, or construction activity is prohibited within the easements, and the vertical easement prevents the use of some construction equipment (e.g., cranes, etc.). A separate easement, shown on the Tax Map, overlies a 180-foot-wide by 30-foot-long part of the site within the former 10th Street right-of-way. The surrounding area includes commercial and office buildings, industrial and manufacturing areas and parking facilities.

History of Site Use, Investigation, and Cleanup

According to a Phase I Environmental Site Assessment (ESA) prepared by Nova Group GBC (Nova), the site is located in a densely developed urban area characterized by manufacturing and industrial uses from as early as 1886. The site was occupied by manufacturing buildings from about 1886 to 1923, including: AH Smith Carpet Lining Manufacturing; Phillips and Ferguson Paints, Whiting, Putty and Chalk Mill; and David Kramer Cabinet Works. The site has been used for vehicle parking and storage from the 1930s (when the overhead NYCT viaduct was constructed) to the present.

The existing self-storage units were added in the early 2000s and are currently used by a tenant that leases outdoor parking spaces and shipping containers for miscellaneous storage. The site includes multiple self-storage units; one approximately 1,175-square-foot, one-story building used as an office for site management; and one approximately 2,830 square-foot, one-story building used for storage, a portion of which extends off the site. Users of the storage facility that park vehicles and/or store materials on site include a landscaping company, a metalworking company,

a construction company, and monthly private self-storage renters.

Prior to entry into the NYSDEC BCP, the site was the subject of a Phase I ESA, a Phase II Environmental Site Investigation (ESI) and a Remedial Investigation (RI), which are documented in the following reports:

- *February 11, 2020 Phase I ESA, prepared by Nova*
- *January 2022 Phase II ESI, prepared by Langan*
- *November 2022 Draft Remedial Investigation Report (RIR), prepared by Langan*

The following is a summary of each report listed above:

February 11, 2020 Phase I ESA, prepared by Nova

Nova recommended on-site testing to investigate the following recognized environmental conditions (REC):

- On-site RECs: Historical industrial and manufacturing use of the site from the late 1800s through the 1920s, the expected presence of historic fill, possibly including dredge spoils from the Gowanus Canal, and possible historical storage of petroleum and/or other hazardous materials.
- Off-site RECs: The former Gowanus United States Postal Service (USPS)/Metropolitan manufactured gas plant to the south of the site.

The Phase I ESA also noted de minimus staining across the site.

January 2022 Phase II ESI, prepared by Langan

Langan performed a Phase II ESI to investigate potential impacts from RECs identified in the Phase I ESA. The Phase II ESI included a geophysical survey, advancement of ten soil borings, installation of three temporary groundwater monitoring wells, and installation of three temporary soil vapor points. Twelve grab soil samples, four groundwater samples (including one duplicate), and three soil vapor samples were collected for laboratory analysis. Soil borings were advanced to depths between about 4 and 12 feet below grade surface (bgs).

Findings and observations from the Phase II ESI are summarized below:

- No geophysical anomalies resembling underground storage tanks (USTs) were identified.
- The subsurface profile generally consists of fill overlying native soil. The fill was typically encountered to depths between 3 and 12 feet bgs and generally consists of dark grey to dark brown fine-grained sand with varying amounts of gravel, silt, clay, brick, asphalt, manufactured wood, woody vegetation fibers, rubber, glass, ceramic, organic matter, concrete, fabric, coal ash, and coal. Two soil borings, SB04 and SB05A, terminated in fill

at 12 feet bgs. The underlying native soil was generally composed of dark grey, fine grained sand with varying amounts of gravel, silt, and clay.

- Groundwater was encountered at depths ranging from about 3.9 to 5.7 feet bgs in the three monitoring wells.
- Soil: Multiple VOCs, SVOCs, PCBs, pesticides, and metals were detected at concentrations exceeding the NYSDEC Title 6 of the New York Codes, Rules and Regulations (NYCRR) Part 375 Unrestricted Use (UU) Soil Cleanup Objectives (SCOs) and/or Restricted Use Commercial (CU) SCOs.
 - VOCs: No VOCs were detected at concentrations above the CU SCOs. Based on field observations (petroleum-like odor and photoionization detector [PID] readings above background) at soil boring SB02 and the presence of petroleum related VOCs (benzene, toluene, ethylbenzene, and xylenes [BTEX]) above the UU SCOs in soil sample SB02_0-2, a spill was reported to the NYSDEC and assigned Spill No. 21-08113. 2-Butanone was also detected above the UU SCOs in soil samples SB02_0-2 and SB02A_2-4. A mothball-like odor was observed from 7 to 9 feet bgs in soil boring SB03, and benzene and total xylenes were detected above UU SCOs in sample SB03_7-9. Acetone was detected in multiple samples but is a common laboratory contaminant and unlikely to be related to an on-site release.
 - SVOCs: SVOCs (3 & 4 methylphenol [m&p cresol], benzo[a]anthracene, benzo[a]pyrene, benzo[k]fluoranthene, chrysene, dibenz[a,h]anthracene, benzo[b]fluoranthene, and indeno[1,2,3-cd]pyrene) were detected above the UU and/or CU SCOs throughout the site. Detected SVOC concentrations are typical of fill on urban properties.
 - PCBs and pesticides: Neither total PCBs nor pesticides were detected at concentrations above the CU SCOs. Total PCBs and three pesticides including 4,4'-DDD, 4,4'-DDE, and 4,4'-DDT were detected above UU SCOs and are typical of fill on urban properties.
 - Metals: Metals were detected at concentrations exceeding the UU (trivalent chromium, nickel, and zinc) and/or CU SCOs (arsenic, barium, cadmium, copper, lead, and mercury) throughout the site. Arsenic may be attributable to fill quality or historical site uses that could have been associated with arsenic containing materials (e.g., a paints, whiting, putty, and chalk mill noted on the 1904 Sanborn fire insurance map [attached to the Phase I ESA]). The two soil samples with the highest concentrations of arsenic exhibited a yellow discoloration, which could be related to arsenic-containing paint such as orpiment (arsenic sulfide). Other metal concentrations in soil are typical of fill on urban properties.
- Groundwater:
 - Two VOCs (benzene and naphthalene) and multiple SVOCs (polycyclic aromatic hydrocarbons [PAHs], 2,4 dimethylphenol, naphthalene, and phenol) were

detected at concentrations above the NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values for Class GA Water (NYSDEC SGVs) in TMW04, in the southwest corner of the site. The VOCs and SVOCs are potentially indicative of fill quality or residual coal tar impacts to groundwater from a surrounding former manufactured gas plant (MGP) across 10th Street to the south (NYSDEC State Superfund Site No. 224046, the former Metropolitan MGP). PAHs were also detected at concentrations above SGVs in TMW02 and TMW03, at concentrations indicative of fill quality.

- 1,4-dioxane was not detected in any soil samples, but was detected above the drinking water maximum contaminant level (MCL) adopted by New York State for public water systems (July 2020) in TMW03 in the center of the site. A site source of 1,4-dioxane was not identified.
- The presence of dissolved-phase iron, manganese, and sodium at concentrations above the SGVs may be attributable to regional conditions. The source of dissolved-phase arsenic in groundwater is likely site soil with arsenic concentrations as high as 9,860 milligrams per kilogram (mg/kg).
- Soil Vapor: Soil vapor concentrations were below the minimum concentrations at which intrusion mitigation is recommended by the New York State Department of Health (NYSDOH).

November 2022 Draft Remedial Investigation Report, prepared by Langan

Langan performed an RI to investigate and characterize the nature and extent of contamination at the site. The RI included advancement of 19 soil borings, installation of 10 groundwater monitoring wells, installation of 4 soil vapor points, and installation of 1 sub-slab soil vapor point. A total of 40 grab soil samples (including one duplicate), 11 groundwater samples (including one duplicate), 4 soil vapor samples, 1 sub-slab soil vapor sample, 2 indoor air samples, and 1 ambient air sample were collected from the BCP site for laboratory analysis. Soil borings were advanced to depths between about 4 feet bgs and 20 feet bgs. The following observations, in relation to the site, were made during the RI:

1. Stratigraphy: Site stratigraphy consists of fill underlain by native soil. Fill, predominantly consisting of grey to dark brown fine sand with varying proportions of silt, clay, gravel, glass, brick, concrete, woody debris, metal, coal and coal ash was encountered from site grade to depths ranging from about 12 to 18.5 feet bgs. Fill was underlain by native soil composed of clay in 9 of the borings installed during the RI, and sand in one boring (SB02R) located in the central part of the site. Bedrock

was not encountered during this investigation but is expected to be about 150 feet bgs.

2. Hydrogeology: Groundwater table depths ranged from 1.05 to 5.14 feet bgs (elevation [el] 5.03 to 6.16). Groundwater flow direction was evaluated and was determined to flow to the north towards the Gowanus Canal, and may be tidally influenced.
3. Fill: Fill was encountered in all soil borings from site grade to depths ranging from about 12 to 18.5 feet bgs. Fill impacts include VOCs, SVOCs, pesticides, PCBs, metals and PFAS in soil at concentrations above UU, Protection of Groundwater (PGW), and/or CU SCOs, and PFAS Guidance Values.
4. Petroleum Impacts to Soil and Groundwater: Petroleum-related impacts, as evidenced by field observations and/or analytical data, were identified and are attributed to possible historical use of the site, the open spill on-site (Spill No. 21-08113), and/or historical uses of adjoining and surrounding sites.
 - a. Field observations in soil included odor and PID readings above background. Petroleum-related VOCs and SVOCs were detected in soil samples at concentrations above UU, PGW, and/or CU SCOs.
 - b. Field observations in groundwater included PID readings above background and sheen. Petroleum-related VOCs and SVOCs were detected in groundwater samples at concentrations above NYSDEC SGVs.
5. Metals Impacts in Soil and Groundwater: Metals, including arsenic, barium, cadmium, trivalent chromium, copper, lead, nickel, mercury, selenium, silver, and zinc, were detected at concentrations exceeding the UU, PGW, and/or CU SCOs in samples collected from ground surface to about 20 feet bgs throughout the site. Arsenic, barium, copper, lead, and mercury in soil, and arsenic and barium in groundwater, may be attributable to historical use of the site as a paints, whiting, putty, and chalk mill, which could have been associated with arsenic-containing paints and materials. Several soil samples with high concentrations of arsenic exhibited a yellow discoloration, which could be related to arsenic containing paint such as orpiment (arsenic sulfide).
6. PFAS and 1,4-Dioxane in Groundwater: Perfluorooctanoic acid (PFOA) and/or Perfluorooctane sulfonic acid (PFOS) were detected in groundwater samples above the PFAS Guidance Values in all monitoring wells sampled during the RI. No historical use consistent with PFAS use was identified for the site. 1,4-Dioxane was detected above the MCL adopted by New York State for public water systems (July 2020); however, the MCL is not directly applicable to the groundwater results because groundwater beneath the site is not used as a potable water source. No on-site source was identified.
7. Remedial Action Work Plan: Sufficient analytical data were gathered during the RI, together with previous studies, to establish site-specific soil cleanup levels and to develop a remedy for the site. Additional data will be gathered during the future

treatability study and the forthcoming waste characterization investigation to further refine impacted areas. The final remedy will be described and evaluated in the forthcoming RAWP to be prepared in accordance with BCP guidelines.

5. Investigation and Cleanup Process

Application

The Applicant has applied for and been accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants.

During the RI, the Applicant fully characterized the nature and extent of contamination on-site, and conducted a "qualitative exposure assessment," a process that characterizes the actual or potential exposures of people, fish and wildlife to contamination on the site and to contamination that has migrated from the site. Based on a request from the NYSDEC dated 23 February 2023, additional investigation will be conducted to investigate the potential presence of coal tar-related contamination onsite. Supplemental soil and groundwater samples will also be collected to support development of a proposed site remedy.

The Applicant in its Application proposes that the site will be used for restricted commercial purposes.

To achieve this goal, the Applicant will conduct further investigation and cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

Investigation

The Applicant completed a remedial investigation between 17 May and 5 July 2022 to characterize the nature and extent of contamination on-site and submitted a RIR to NYSDEC for review on 14 June 2023.

Based on a request from the NYSDEC dated 23 February 2023, additional investigation will be conducted to investigate the potential presence of coal tar-related contamination onsite. Supplemental soil and groundwater samples will also be collected to support development of a proposed site remedy. This investigation will be performed with NYSDEC oversight. A Supplemental Investigation Work Plan (SIWP) will be prepared for submission to NYSDEC.

When the supplemental investigation is complete, the Applicant will amend the RIR to include the

results. The final investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the final investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

Interim Remedial Measures

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the analysis of alternatives is completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period. No IRM is currently proposed; however, if one is undertaken, it will go through the process required by NYSDEC.

Remedy Selection

The Applicant recommended in its draft investigation report that action needs to be taken to address site contamination. After NYSDEC approves the final investigation report, the Applicant may then develop a cleanup plan, officially called a “Remedial Action Work Plan”. The Remedial Action Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Action Work Plan for approval, NYSDEC will announce the availability of the draft plan for public review during a 45-day public comment period.

Cleanup Action

NYSDEC will consider public comments, and may require the draft RAWP to be revised, if necessary, before approving the proposed remedy set forth in the RAWP. The NYSDOH must concur with the proposed remedy. After approval by NYSDEC with concurrence by NYSDOH, the proposed remedy becomes the selected remedy. The selected remedy is formalized in a site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH will oversee the activities. When the Applicant completes cleanup activities, it will prepare a Final Engineering Report (FER) that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

Certificate of Completion

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the FER. NYSDEC then will issue a COC to the Applicant. The COC states that cleanup goals have been achieved, and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

Site Management

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

Appendix A
Project Contacts and Locations of Reports and Information

Project Contacts

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

New York State Department of Environmental Conservation (NYSDEC):

Madeleine S. Babick
Project Manager
NYSDEC
Division of Environmental Remediation
47-40 21st Street,
Long Island City, NY 11101
Phone: (718) 482-4992
Email: madeleine.babick@dec.ny.gov

Jonathan Agosta, Esq.
Assistant Regional Attorney
NYSDEC
Office of General Counsel
47-40 21st Street
Long Island City, NY 11101
718-482-4940
Email: jonathan.agosta@dec.ny.gov

New York State Department of Health (NYSDOH):

Christopher Budd
Project Manager
NYSDOH – Bureau of Environmental Exposure Investigation
Empire State Plaza, Corning Tower, Room 1787
Albany, NY 11237
518-402-1769
Email: beei@health.ny.gov

Locations of Reports and Information

The facilities identified below are being used to provide the public with convenient access to important project documents:

Park Slope Branch Library

Stephanie Brueckel
431 6th Ave
Brooklyn, NY 11215
(718) 832-1853
Hours:

Mon/Wed/Fri	10 am - 6 pm
Tuesday	1 pm - 8 pm
Thursday	10 am - 8 pm
Saturday	10 am - 5 pm
Sunday	CLOSED

Brooklyn Community Board 6

Michael Racioppo, District Manager

250 Baltic Street

Brooklyn, NY 11201-6401

Phone: 718-643-3027

Peter Fleming - Chairperson

Hildegard Link, Environmental Protection Co-Chair

Angelica Ramdhari, Environmental Protection Co-Chair

infobkcb6@gmail.com

If you cannot access the online repository, please contact the NYSDEC project manager listed below for assistance. Site-related documents are also available for review through the DECInfo Locator online at:

<https://www.dec.ny.gov/data/DecDocs/C224355/>

Appendix B - Site Contact List

Chief Executive Officer

Mayor Eric Adams
City Hall
260 Broadway Avenue
New York, New York 10007

Hon. Brad Lander
NYC Comptroller
1 Centre Street
New York, NY 10007

Hon. Jumaane Williams
Public Advocate
1 Centre Street
New York, NY 10007

Hon. Shahana Hanif
NYC Councilmember
456 5th Avenue
Brooklyn, NY 11215

Hon. Andrew Gounardes
NYS Senator
497 Carroll St - Suite 31
Brooklyn, NY 11215

Hon. Jo Ann Simon
NYS Assemblymember
341 Smith Street
Brooklyn, NY 11231

Hon. Daniel Goldman
U.S. House of Representatives
340A 9th Street
Brooklyn, NY 11215

Hon Charles Schumer
U.S. Senator
780 Third Avenue, Suite 2301
New York, NY 10017

Hon. Kirsten Gillibrand
U.S. Senator
780 Third Avenue, Suite 2601
New York, NY 10017

Nancy T. Sunshine
Kings County Clerk
360 Adams Street - Room 189
Brooklyn, NY 11201

New York City Planning Commission

David Gold, Esq.
NYC Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Borough of Brooklyn, Borough President

Hon. Antonio Reynoso
Brooklyn Borough Hall
209 Joralemon Street
Brooklyn, NY 11201

Borough of Brooklyn, Department of City Planning

Winston Von Engel – Director
Brooklyn Office
Temporary Relocation
120 Broadway, 31st Floor
New York, NY 10271

Residents, Owners, and Occupants, of the Property and Adjacent Properties:

The contact information of the current owner is:

Elias Slaiby
88 9th St Brooklyn LLC
19191 South Vermont Avenue, Suite 680
Torrance, CA 90502

The site is currently occupied by:

SecureSpace Management LLC
88 9th Street
Brooklyn, NY 11215

Adjacent properties include:

Owner: CF Second Ave LLC.

Warehouse
56 2nd Avenue
Brooklyn, NY 11215
Block 990, Lot 69

Owner: 120 2nd Ave LLC

Commercial and Office Building
118 2nd Avenue
Brooklyn, NY 11215
Block 1007, Lot 118

Owner: Maserati Realty LLC

Commercial and Office Building
124 9th Street
Brooklyn, NY 11215
Block 1007, Lot 29

Owner: 120 2nd Ave LLC

Parking Facility
1 11th Street
Brooklyn, NY 11215
Block 1007, Lot 1

Owner: 120 2nd Ave LLC

Old Iron, Architectural Salvage
Miscellaneous — Other (Z9)
52 9th Street
Brooklyn, NY 11215
Block 1007, Lot 6

Owner: Gowanus Holdings LLC

Warehouses
37 9th Street
Brooklyn, NY 11215
Block 990, Lot 50

Local News Media

The Brooklyn Papers
One Metrotech Center
Brooklyn, NY 11201

Spectrum NY 1 News
75 Ninth Avenue
New York, NY 10011

New York Daily News
PO Box 7180
New York, NY 10008

New York Post
1211 Avenue of the Americas
New York, NY 10036

Courier-Life Publications
1 Metrotech Center #10T
Brooklyn, NY 11201

Brooklyn Daily Eagle
195 Montague Street, Suite 1414
Brooklyn, NY 11201

Public Water Supply

The responsibility for supplying water in New York City is shared between the NYC Department of Environmental Protection (NYCDEP), the Municipal Water Finance Authority, and the New York City Water Board:

New York City Department of Environmental Protection

Rohit T. Aggarwala, Commissioner
59-17 Junction Boulevard
Flushing, NY 11373

New York City Municipal Water Finance Authority

255 Greenwich Street, 6th Floor
New York, NY 10007

New York City Water Board

NYC Department of Environmental Protection
59-17 Junction Boulevard, 8th Floor
Flushing, NY 11373

Schools and Day Care Facilities

There are no schools or day care facilities located on the site. The following are schools or day care facilities located within 1/2-mile of the site:

Tammy's Daycare
140 10th Street
Brooklyn, NY 11215
(929) 253-7730
<https://www.tammysdaycare.com/locations>

Sunflower Child Care
484 Smith St
Brooklyn, NY 11231
(646) 642-3439

Ladybug Family Daycare
Erica Katz – Education Director
468 Smith Street
Brooklyn, NY 11231
(718) 797-5616
<https://www.ladybug-preschool.com/contact-for-daycare>

Platinum Daycare
459 3rd Ave
Brooklyn, NY 11215
(917) 909-1439

International School of Brooklyn
Joseph Santos – Head of School
192 Luquer Street
Brooklyn, NY, 11231
(718)-369-3023
<https://www.isbrooklyn.org/>

Al-Madinah School
Zenab El Kady – Facility Contact
383 3rd Avenue
Brooklyn, NY 11215
(718) 222-4986
<https://www.almadinah-school.com/apps/contact/>

Strong Place for Hope Day Care
595 Clinton Street
Brooklyn, NY 11231
(718) 624-2993
<https://www.strongplaceforhopedaycare.com/contact>

PS118 The Maurice Sendak Community School
W. Elizabeth Garraway – Principal
211 8th Street
Brooklyn, NY 11215
(718) 840-5660

PS124 124 Silas B. Dutcher
Maria Interlandi-Reno – Principal
515 4th Avenue
Brooklyn, NY 11215
(718) 788-0246

Pave Academy Charter School
Michelle Cook – Elementary School Principal
732 Henry Street
Brooklyn, NY 11231
(718) 858-7813
<https://paveschools.org/contact/>

Hannah Senesh Community Day School
Nicole Nash – Head of School
342 Smith Street
Brooklyn, NY 11231
(718) 858-8663
<https://www.hannahsenesh.org/>

M.S. 51 William Alexander
Jack Chan - Principal
350 5th Avenue
Brooklyn, NY 11215
(718) 369-7603
<https://ms51.org/>

Community, Civic, Religious and Other Environmental Organizations

Johari Jenkins - Director
Consolidated Edison Corporate Affairs
30 Flatbush Avenue
Brooklyn, NY 11217

78th NYPD Police Precinct
President Elicia Howard
65 6th Avenue
Brooklyn, NY, 11217

Fire Department of New York
Engine 279 Ladder 131
252 Lorraine Street
Brooklyn, NY 11231

Gowanus Alliance
135 13th St,
Brooklyn, NY 11215
gowanusalliance@gmail.com
<https://www.gowanusalliance.org/>

Gowanus Canal Community Development Corporation
Mike Raccioppo Executive Director
515 Court Street
Brooklyn, NY 11231

Gowanus Canal Conservancy
Andrea Parker – Executive Director
The Old Can Factory
248 Third Street
Brooklyn, NY 11215
(718) 541-4378
info@gowanuscanalconservancy.org
<https://gowanuscanalconservancy.org/>

The Old Stone House of Brooklyn
Kimberly Maier, Executive Director
336 3rd Street
PO Box 150613
Brooklyn, NY 11215
<https://theoldstonehouse.org/>
info@theoldstonehouse.org

Red Hook East Houses (NYCHA)

<https://www.nyc.gov/assets/nycha/downloads/pdf/Red%20Hook%20East.pdf>

Development Management Office

62 Mill Street

Brooklyn, NY 11231

Red Hook East Houses (NYCHA)

<https://www.nyc.gov/assets/nycha/downloads/pdf/Red%20Hook%20East.pdf>

Community Center

110 West 9th Street

Brooklyn, NY 11231

Red Hook East Houses (NYCHA)

<https://www.nyc.gov/assets/nycha/downloads/pdf/Red%20Hook%20East.pdf>

Senior Center

120 West 9th Street

Brooklyn, NY 11231

Jesus Never Fails Church of God

456 3rd Avenue

Brooklyn, NY 11215

Holy Family St Thomas Aquinas

249 9th Street

Brooklyn, NY 11215

Park Slope Community Church

251 12th Street

Brooklyn, NY 11215

All Nations Baptist Church

251 12th Street

Brooklyn, NY 11215

Brooklyn Church

68 3rd Street

Brooklyn, NY 11231

City Life Church

425 Hoyt Street

Brooklyn, NY 11231

Iglesia de Dios Pentecostal M.I.

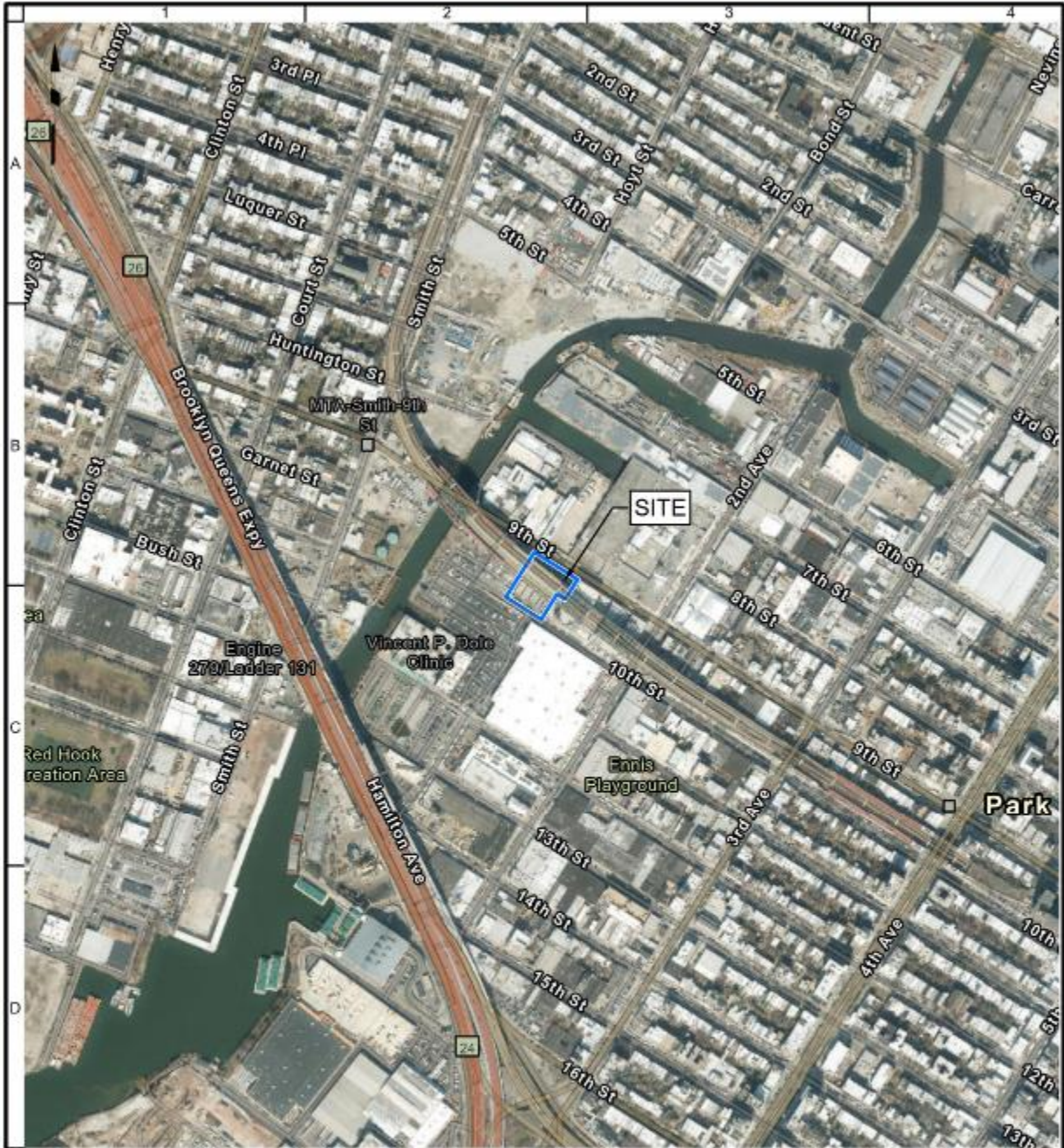
545 3rd Avenue

Brooklyn, NY 11215

The Mission Church
382 Hamilton Avenue
Brooklyn, NY 11231

Iglesia Evangelica Luterana Del Espiritu Santo
267 7th Avenue
Brooklyn, NY 11215

Appendix C - Site Location Map




Legend

 Approximate Site Boundary



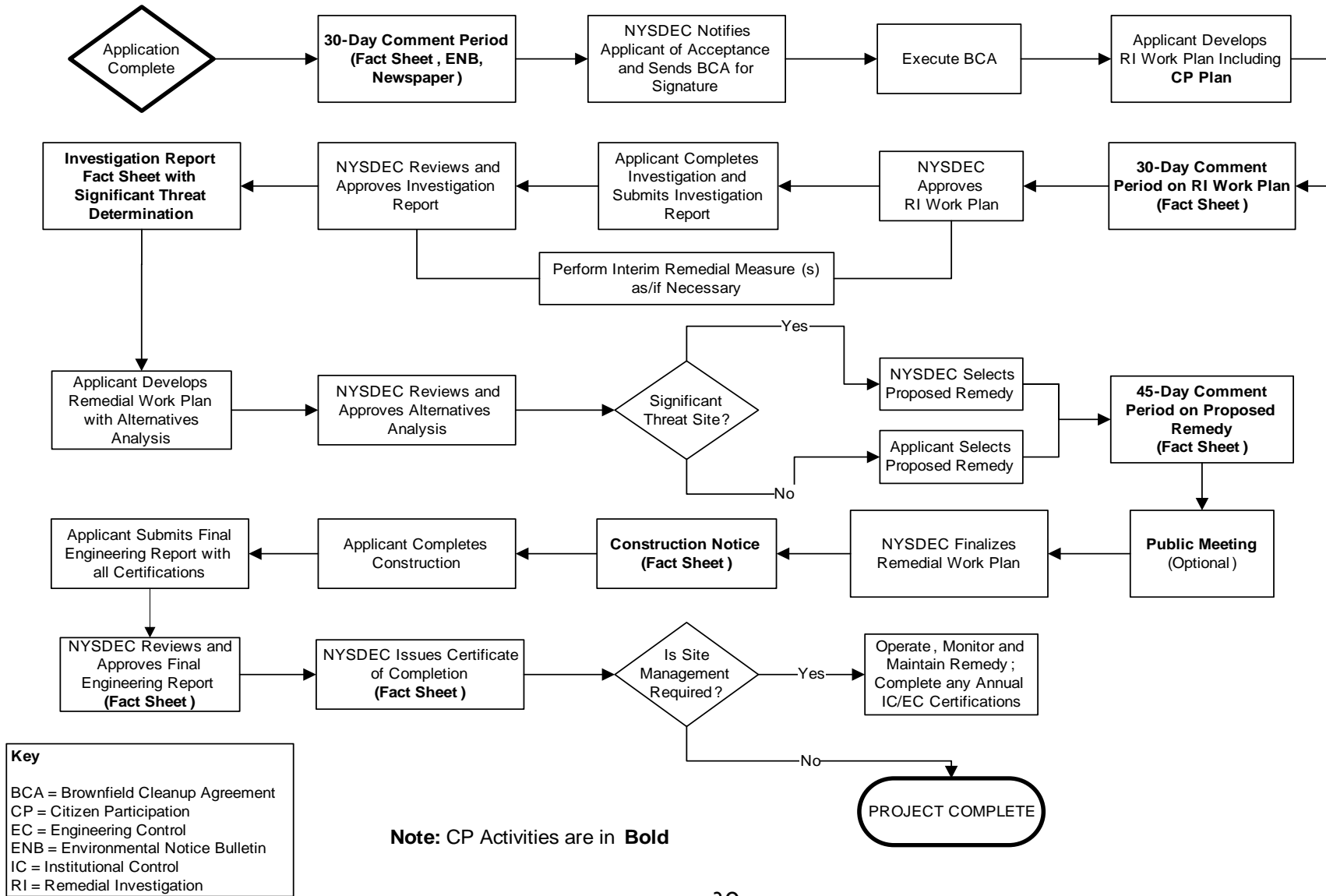
Notes:
 1. World aerial imagery basemap is provided through Langan's Esri ArcGIS software licensing and ArcGIS online.

 21 Park Plaza, 389 West 31st Street, 8th Floor New York, NY 10001-2727 T: 212 679-5000 F: 212 679-5544 www.langan.com Langan Engineering & Environmental Services, Inc. Langan Engineering, Environmental, Surveying, Landscaping Architecture and Geology, D.P.C. Langan International LLC Collectively known as Langan	Project 88 9TH STREET BLOCK No. 1007, LOT No. 20 BROOKLYN NEW YORK	Figure Title SITE LOCATION MAP	Project No. 170615801	Figure No. 1
	Date 11/29/2023	Scale 1"=600'	Drawn By PDT	

Path: \\langan.com\data\NYC\data\170615801\Project Data\ArcGIS\APRX\170615801\170615801_Archive.aprx

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Appendix D– Brownfield Cleanup Program Process





Division of Environmental Remediation

Remedial Programs Scoping Sheet for Major Issues of Public Concern

Instructions

This Scoping Sheet assesses major issues of public concern; impacts of the site and its remedial program on the community; community interest in the site; information the public needs; and information needed from the public.

The information generated helps to plan and conduct required citizen participation (CP) activities, and to choose and conduct additional CP activities, if appropriate. The scoping sheet can be revisited and updated as appropriate during the site's remedial process to more effectively implement the site's CP program.

Note: Use the information as an aid to prepare and update the Major Issues of Public Concern section of the site CP Plan.

General Instructions

- When to prepare: During preparation of the CP Plan for the site. It can be revisited and updated anytime during the site remedial process.
- Fill in site name and other information as appropriate.
- The Scoping Sheet may be prepared by DEC or a remedial party, but must be reviewed and approved by the DER site project manager or his/her designee.

Instructions for Numbered Parts

Consider the bulleted issues and questions below and any others that may be unique or appropriate to the site and the community to help complete the five Parts of this Scoping Sheet. Identify the issue stakeholders in Parts 1 through 3 and adjust the site's contact list accordingly.

Part 1. List Major Issues of Public Concern and Information the Community Wants.

- Is our health being impacted? (e.g., Are there problems with our drinking water or air? Are you going to test our water, yards, sumps, basements? Have health studies been done?)
- There are odors in the neighborhood. Do they come from the site and are they hazardous?
- Are there restrictions on what we may do (e.g., Can our children play outside? Can we garden? Must we avoid certain areas? Can we recreate (fish, hunt, hike, etc.) on/around the site?

- How and when were the site's contamination problems created?
- What contaminants are of concern and why? How will you look for contamination and find out where it is going? What is the schedule for doing that?
- The site is affecting our property values!
- How can we get more information (e.g., who are the project contacts?)
- How will we be kept informed and involved during the site remedial process?
- Who has been contacted in the community about site remedial activities?
- What has been done to this point? What happens next and when?
- The site is going to be cleaned up for restricted use. What does that mean? We don't want redevelopment on a "dirty" site.

Part 2. List Important Information Needed From the Community, if Applicable.

- Can the community supplement knowledge about past/current uses of the site?
- Does the community have knowledge that the site may be significantly impacting nearby people, properties, natural resources, etc.?
- Are activities currently taking place at the site or at nearby properties that may need to be restricted?
- Who may be interested or affected by the site that has not yet been identified?
- Are there unique community characteristics that could affect how information is exchanged?
- Does the community and/or individuals have any concerns they want monitored?
- Does the community have information about other sources in the area for the contamination?

Part 3. List Major Issues and Information That Need to be Communicated to the Community.

- Specific site investigation or remediation activities currently underway, or that will begin in the near future.
- The process and general schedule to investigate, remediate and, if applicable, redevelop the site.
- Current understanding about the site contamination and effects, if any, on public health and the environment.
- Site impacts on the community and any restrictions on the public's use of the site and/or nearby properties.
- Planned CP activities, their schedule, and how they relate to the site's remedial process.
- Ways for the community to obtain/provide information (document repositories, contacts, etc.).

Part 4. Community Characteristics

a. - e. Obtain information from local officials, property owners and residents, site reports, site visits, "windshield surveys," other staff, etc.

f. Has the affected community experienced other **significant** present or past environmental

problems unrelated to this site? Such experiences could significantly affect public concerns and perspectives about the site; how the community will relate to project staff; the image and credibility of project staff within the community; and the ways in which project staff communicate with the community.

g. In its remedial programs, DER seeks to integrate, and be consistent with, environmental justice principles set forth in *DEC Commissioner Policy 29 on Environmental Justice* and *DER 23 – Citizen Participation Handbook for Remedial Programs*. Is the site and/or affected community wholly or partly in an Environmental Justice (EJ) Area? Use the Search feature on DEC’s public web site for “environmental justice”. DEC’s EJ pages define an EJ area, and link to county maps to help determine if the site and/or community are in an EJ area.

h. Consider factors such as:

- Is English the primary language of the affected community? If not, provisions should be considered regarding public outreach activities such as fact sheets, meetings, door-to-door visits and other activities to ensure their effectiveness.
- The age demographics of the community. For example, is there a significant number of senior citizens in the community? It may be difficult for some to attend public meetings and use document repositories. This may suggest adopting more direct interaction with the community with activities such as door-to-door visits, additional fact sheets, visits to community and church centers, nursing homes, etc.
- How do people travel about the community? Would most people drive to a public meeting or document repository? Is there adequate public transportation?

Part 5. Affected/Interested Public.

Individuals and organizations who need or want information and input can change during the site's remedial process. This need is influenced by real, potential, or perceived impacts of the site or the remedial process. Some people may want information and input throughout the remedial process. Others may participate only during specific remedial stages, or may only be interested in particular issues.

It is important to revisit this question when reviewing this scoping sheet. Knowing who is interested in the site – and the issues that are important to them – will help to select and conduct appropriate outreach activities, and to identify their timing and the information to be exchanged.

Check all affected/interested parties that apply to the site. **Note: Adjust the site's contact list appropriately.** The following are some ways to identify affected/interested parties:

- Tax maps of adjacent property owners
- Attendees at public meetings
- Telephone discussions
- Letters and e-mails to DER, the remedial party, and other agencies
- Political jurisdictions and boundaries
- Media coverage
- Current/proposed uses of site and/or nearby properties (recreational, commercial, industrial)
- Discussions with community organizations: grass roots organizations, local environmental groups, environmental justice groups, churches, and neighborhood advisory groups



Division of Environmental Remediation

Remedial Programs

Scoping Sheet for Major Issues of Public Concern (see instructions)

Site Name: 88 9th Street

Site Number: C224355

Site Address and County: 88 9th Street, Brooklyn, NY 11215

Remedial Party(ies): 88 9th St Brooklyn, LLC

Note: For Parts 1. – 3. the individuals, groups, organizations, businesses and units of government identified should be added to the site contact list as appropriate.

Part 1. List major issues of public concern and information the community wants. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and information needs. **Use this information as an aid to prepare or update the Major Issues of Public Concern section of the site Citizen Participation Plan.**

Remediation of soil may impact air quality while work is being performed. NYSDEC and NYSDOH will be overseeing the project to ensure the air and odor issues are monitored and mitigated during implementation of the work plan.

How were these issues and/or information needs identified?

Site investigations identified contaminated soil at the site.

Part 2. List important information needed **from** the community, if applicable. Identify individuals, groups, organizations, businesses and/or units of government related to the information needed.
N/A

How were these information needs identified?

N/A

Part 3. List major issues and information that need to be communicated **to** the community. Identify individuals, groups, organizations, businesses and/or units of government related to the issue(s) and/or information.

The major issues that need to be communicated to the community include the remedial investigation results, remedial action plan, and redevelopment coordination for the site. This information needs to be provided to the contact list appended to the CPP.

How were these issues and/or information needs identified?

N/A

Part 4. Identify the following characteristics of the affected/interested community. This knowledge will help to identify and understand issues and information important to the community, and ways to effectively develop and implement the site citizen participation plan (mark all that apply):

a. Land use/zoning at and around site:

Residential **Agricultural** **Recreational** **Commercial** **Industrial**

b. Residential type around site:

Urban **Suburban** **Rural**

c. Population density around site:

High **Medium** **Low**

d. Water supply of nearby residences:

Public **Private Wells** **Mixed**

e. Is part or all of the water supply of the affected/interested community currently impacted by the site?

Yes **No**

Provide details if appropriate:

N/A

f. Other environmental issues significantly impacted/impacting the affected community?

Yes **No**

Provide details if appropriate:

N/A

g. Is the site and/or the affected/interested community wholly or partly in an Environmental Justice Area?

Yes **No**

h. Special considerations:

Language **Age** **Transportation** **Other**

Explain any marked categories in **h**:

N/A

Part 5. The site contact list must include, at a minimum, the individuals, groups, and organizations identified in Part 2 of the Citizen Participation Plan under 'Site Contact List'. Are *other* individuals, groups, organizations, and units of government affected by, or interested in, the site, or its remedial program? (Mark and identify all that apply, then adjust the site contact list as appropriate.)

- Non-Adjacent Residents/Property Owners:** See contact list.
- Local Officials:** See contact list.
- Media:** See contact list.
- Business/Commercial Interests:** Click here to enter text.
- Labor Group(s)/Employees:** Click here to enter text.
- Indian Nation:** Click here to enter text.
- Citizens/Community Group(s):** Click here to enter text. Click here to enter text.
- Environmental Justice Group(s):** Click here to enter text.
- Environmental Group(s):** Click here to enter text.
- Civic Group(s):** Click here to enter text.
- Recreational Group(s):** Click here to enter text.
- Other(s):** Click here to enter text.

Prepared/Updated By: Langan Engineering, Environmental,
Surveying, Landscape Architecture and Geology, D.P.C.

Date: 12/15/2023

Reviewed/Approved By: Thomas V. Panzone

Date: 12-15-23